

Notice of a Request for Proposals  
Special Needs Housing for the Elderly

Mobile County Consortium is a recipient of HOME funds from the U.S. Department of Housing and Urban Development. As lead agency for the Consortium, Mobile County Commission requests proposals from developers applying to the Alabama Housing Finance Authority for the 2010 Low Income Housing Tax Credit (LIHTC) to construct and manage special needs housing for the elderly in the Mobile County Consortium area (all of Mobile County outside of the Cities of Bayou La Batre, Mobile and Town of Dauphin Island).

Proposals to the County must be submitted in accordance with the detailed Request For Performance, which may be downloaded by visiting the County's website at [www.mobilecountyal.gov](http://www.mobilecountyal.gov). Click on the link "Departments" on the left-hand menu and go to "Grants Department" and then "HOME Program." Or please email [cburden@mobile-county.net](mailto:cburden@mobile-county.net).

These proposals must be sealed and properly labeled and may be mailed or hand delivered to: Grants Department, Mobile County Commission, 205 Government Street, Mobile, Alabama 36644: "Proposal for Special Needs Housing for the Elderly". All proposals shall contain original signatures; facsimile copies will not be accepted. Proposals must be received and date stamped by the County no later than 12:00 noon on February 25, 2010.

Neither this program notice nor the acceptance of any application shall imply a funding obligation to any applicant. The County reserves the sole right to approve or reject any and all applications on such basis as it deems to be in it's best interest. The County reserves the right to reject any or all proposals and to waive any irregularities or informalities in the proposal process.

Minority and Women Owned businesses are encouraged to submit a proposal. Mobile County Commission is an Equal Opportunity Employer.

For further clarification please call Nayyer Mahdi at (251) 574-5086

Mike Dean  
President, Mobile county Commission

**REQUEST FOR PROPOSALS**  
**SPECIAL NEEDS RENTAL HOUSING**  
**FOR THE ELDERLY**

**MOBILE COUNTY, ALABAMA**

**FEBRUARY 9, 2010**

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## INTRODUCTION

Mobile County Consortium is a recipient of HOME funds from the U.S. Department of Housing and Urban Development. One of the critical housing needs which this program is designed to meet is that of Special Needs Housing for Elderly lower income citizens. The Special Needs Elderly Housing Program will be included in the Mobile County Consortium 2010 Action Plan.

As lead agency for the Consortium, Mobile County Commission requests proposals from developers applying to the Alabama Housing Finance Authority for the 2010 Low Income Housing Tax Credit (LIHTC) to construct and manage special needs housing for the elderly in the Mobile County Consortium area (all of Mobile County outside of the Cities of Bayou La Batre, Mobile and Town of Dauphin Island).

Funding received from the Consortium will be in the form of a loan at 3% interest deferred for (5) five years from the date of a fully executed agreement with the County. Loans will be in recorded as a future advanced mortgage.

The maximum commitment from Mobile County HOME funds will be \$500,000. HOME funds require a (25%) twenty-five percent match. Developers will be required to provide match. Funding is contingent upon the developer receiving the LIHTC award.

Developers may not receive more than the maximum HOME subsidy for the area determined by HUD for each unit of HOME-assisted housing based on bedroom size of units. The HOME maximum subsidy is determined by the proportion of the total project cost that is HOME-eligible, how many of the units are HOME-assisted, and the financial needs of the project. The actual subsidy provided will be subject to cost allocation and subsidy layering analysis. The minimum subsidy is \$1,000 times the number of HOME-assisted units in the development. HUD supplies the per-unit dollar limits annually. All HOME-assisted units are floating.

HOME rules require that assisted properties remain affordable for a specific period of time. Mobile County has adopted the HOME Program affordability standards as established by HUD. Participating Jurisdictions are required to place certain restrictions on assisted properties in order to preserve affordable housing in their communities. Restrictions involving the period of affordability will be incorporated in a deed restriction and/or mortgage documents or other appropriate and binding documents.

Developers must commit to certain tenant rent and income restrictions for the period of affordability of 20 years for new construction projects.

Income and rent restrictions are recorded as a covenant running with the property which remains in force even if the property is sold or the loan is repaid during the period of affordability. Projects are monitored annually for compliance with program requirements.

Income and rent limits are supplied by HUD and revised annually. Rent cannot exceed affordable rent limits. Rents are to be adjusted as leases are renewed. The 2009 rent limits follow:

### 2009 HOME Program Rent Limits – Mobile, AL MSA

	<i>0 BR</i>	<i>1 BR</i>	<i>2BR</i>
<i>Low</i>	\$433	\$464	\$557

Tenants of HOME assisted rental units must have incomes below specific low-income limits for the Mobile MSA. Mobile County calculates Annual Income as defined in 24 CFR Part 5 (Section 8 Definition).

Successful applicant(s) will receive a letter of commitment which will state that the commitment is subject to: 1) approval of the Mobile County Consortium 2010 Action Plan by the Mobile County Commission and HUD; 2) availability of HOME funds; 3) applicant receives award from AHFA for LIHTC; and 4) a fully executed agreement between the County and the developer/applicant by August 31, 2010. Construction of the project must start within 12 months of the aforementioned agreement.

All funding is contingent upon an Environmental Review, a Release of Funds from HUD and the approval of the Mobile County Commission. Neither this program notice nor the acceptance of any application shall imply a funding obligation to any applicant. The County reserves the sole right to approve or reject any and all applications on such basis as it deems to be in its best interest.

### BASIC MINIMUM REQUIREMENTS

Mobile County Commission requires that developers submit proposal in the manner prescribed below. This information should substantiate the capacity and ability of the developers to provide financing, marketing and the management capacity for Affordable Special Needs Rental Housing for low income elderly.

Any proposal submitted without all of the information requested below will be considered incomplete and non-responsive. The County will entertain developments of 12 to 56 units on one site.

- A. An Executive Summary should contain a brief synopsis of the proposed development and contain number of units, location, project costs and the proposed financing. The Summary should also have a brief description of the proposed complex (frontal elevation and floor plan only—detailed drawings not required with RFP), proposed site plan, security arrangements, amenities and accessibility/adaptability provisions;
- B. Developer Capacity should include a list of projects completed of a similar nature (must have LIHTC projects in Mobile County in the past five (5) years). Any LIHTC projects must be under construction, please confirm;

- C. Mobile County encourages employment of local residents. A minimum of 50% of sub-contractors must be from Mobile County. Developer must address this requirement in the proposal;
- D. Submit proof of ownership (warranty deed) for the proposed development site or, if you do not have proof of ownership, you must submit proof of site control such as an option or commitment to sell, signed by the seller. An informational title binder for the proposed site must also be included in the proposal;
- E. Total Project Sources and Uses of Funds;
- F. HOME funds require a minimum of 25% non-federal match, which will be required at the time of the agreement with the County. Please identify the amount and source of these funds;
- G. Twenty (20) Year Proforma;
- H. Letter of Commitment from private lender for development costs (construction financing) and any permanent financing;
- I. Detailed construction budget;
- J. Provide names and addresses of all members of the development team. Disclose any identity of interest and provide details of the relationship(s). Provide resume of corporate experience in the development, marketing and management of similar type projects. If you propose to use a third party management company, please specify;
- K. Provide proof of infrastructure (existing paved roads, utilities, etc.);
- L. Provide letter agreeing to comply with all of the provisions of the HOME Program;
- M. Developer must adhere to Davis Bacon and Section 3 requirements;
- N. Provide proof of IRS 501 (c) (3) Status or, if a For-Profit Corporation, documentation of corporate status;
- O. Provide certified copies of all of the organizational documents of all the entities involved in the project, including Articles of Incorporation and/or Partnership Agreements;
- P. Provide a copy of most recent financial statements or audit by independent accounting firm;
- Q. A copy of the Title Insurance Commitment;
- R. Flood certification;

- S. Preliminary market summary;
- T. Phase I Environmental Site Assessment;
- U. Certification Regarding Conflict of Interest;
- V. Certification Regarding Debarment, Suspension and other Responsibility Matters;
- W. Certification Regarding Displacement, Relocation and Acquisition;
- X. Certification Regarding Prohibition of the Use of HOME Funds for Lobbying & Bribes;
- Y. Certification Regarding Affirmative Marketing Procedures;

Note: This list may not be all inclusive. Additional documentation may be required.

Note: The proposed development cannot be located in the designated floodplain.

Note: All tenants and residents must be 62 years of age or older. The only exception to this requirement is an approved adult care-giver.

Note: HOME rules require that 20% of rental units must be occupied and affordable to qualified tenants at or below 50% of the median household income as defined by HUD. The remaining units must be occupied by tenants at 60% or less of median household income as defined by HUD.

### **MINIMUM DEVELOPMENT REQUIREMENTS**

1. Each unit shall have a self-contained kitchen and bathroom. The units must be one or two bedrooms. Kitchens are to be fully equipped with refrigerator (15 cubic feet or larger and self defrosting), self-cleaning oven with attached or detached cook-top;
2. Units must be ground level or elevator type new construction;
3. Complex must have fully-equipped laundry room;
4. Complex must have, or have access to, an accessible van or public transportation;
5. Minimum number of units required by federal, state and local regulations must be fully accessible. Units for the sensory impaired are also required under the same regulations. All of the remaining units must be fully adaptable;
6. Complex must meet Federal Model Energy Code requirements and extra points will be given to complexes using Energy Star appliances;

7. Extra points will be awarded for amenities, such as common areas (must comply with HOME Program rules to be eligible);
8. Complex overall design should be done with security in mind with keyless or lever entry systems;
9. Grounds should be fully landscaped with emphasis on low maintenance plants;
10. Complex must be within reasonable access (i.e. public bus and/or complex van) to shopping, entertainment, and health services;
11. Site shall be served by public sewer, public water, and public road;
12. Site shall be in a designated Fire District or served by a Fire Department;
13. Hardware for doors:           Lever handled; and
14. Appliances:                   Oven/stove, dishwasher and refrigerator (15 CF or bigger).

### **SELECTION CRITERIA**

The preliminary funding award resulting from this Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor of consideration with a maximum score of 140 points.

- A. Documented evidence of corporate experience in special needs rental housing and staff qualifications for the development and management of special needs elderly housing (rental) called for in this RFP.
- B. Non-Profit must have 501 (c)(3) and Corporate Status. \_\_\_\_yes \_\_\_\_no
- C. Developer has a willingness to comply with HOME Regulations and the attached Terms and Conditions (note: written letter to this effect must accompany proposal).  
\_\_\_\_yes \_\_\_\_no
- D. Non-Profit or its sponsor/affiliate for the For-Profit developer has experience and experienced staff in the development and management of Affordable Special Needs Housing for the lower income\* elderly. \_\_\_\_yes \_\_\_\_no

If a firm meets the criterion discussed above and has submitted all supporting documentation called for, it will be rated as follows:

- a. Experience in the development and management of Affordable Special Needs Housing for the lower income\* elderly—up to 40 points;
- b. Financial proposal which combines other funding sources—up to 30 points;
- c. Projected rents as well as design and amenity considerations will be looked at closely. Each proposal will be compared to our minimum requirements and to each other to determine which proposal(s) are the strongest—up to 20 points;



- d. Review of most recent financial statements or audit by an independent auditor—up to 20 points;
- e. Strength of proposal as determined by review of proforma—up to 30 points; and
- f. Extra points
  - 1. Energy Efficiency.....up to 5 points
  - 2. Innovative Design.....up to 5 points
  - 3. Low Maintenance.....up to 5 points
  - 4. Additional Public/Private Financing.....up to 15 points
  - 5. Amenities.....up to 5 points

\* HOME rules require that 20% of rental units must be occupied and affordable to qualified tenants at or below 50% of the median household income as defined by HUD. The remaining units must be occupied by tenants at 60% or less of median household income as defined by HUD.

### **SUBMITTAL SCHEDULE**

The proposing firm must submit to the Mobile County Commission Grants Department a letter and other documents verifying its commitment to comply with all requirements outlined in this application. All proposals must be received and date stamped by the County no later than 12:00, noon on February 25, 2010. Proposals must be sealed and properly labeled and may be mailed or hand delivered.

**To be considered, one (1) original (so marked) and four (4) copies of the response must be received by:**

Grants Department  
 Mobile County Commission  
 South Tower, 8<sup>th</sup> Floor  
 Mobile Government Plaza  
 205 Government Street  
 Mobile, Alabama 36644-1800

Please mark envelope “Special Needs Housing for the Elderly.”

### **MBE/WBE PARTICIPATION**

Firms are encouraged to utilize the skills and services of minority businesses in the fulfillment of the contractual responsibilities pertaining to this project.

Mobile County, in carrying out projects as authorized under the Housing and Community Development Act of 1974, is required under 1365 of Title 24, Housing and Urban Development Act of 1968, to take affirmative action to assure that employable persons and businesses in our projected area (Mobile County) are utilized to the greatest extent feasible with particular

emphasis being placed upon the hiring of women and minorities as both employees and, where applicable, subcontractors. Mobile County is sincere in its efforts to insure that both the letter and intent of the regulations are complied with and Mobile County will monitor firm's efforts in this area.

### **CODE OF CONDUCT**

The developer covenants that no person who presently exercises any functions or responsibilities in connection with the program has any personal financial interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The developer further covenants that in the performance of this Agreement, no person having any conflict of interest shall be employed. Any interest on the part of the developer or its employees must be disclosed to the County provided, however, that this paragraph shall be interpreted in such a manner so as not to unreasonably impede the statutory requirements that maximum opportunity to be provided for employment of and participation by low and moderate income residents of the area.

# **APPENDIX A CERTIFICATIONS**

**CERTIFICATION REGARDING  
CONFLICT OF INTEREST**

The undersigned certifies to the Mobile County Commission that it and its principals are in compliance with the Conflict of Interest provision of the HOME Program:

- In the procurement of property and service 24 CFR 85.36 and OMB Circular 110 Rules Regarding Conflict of Interest apply.
- In all cases not governed by those rules, conflicts of interest are not permitted. The following applies:

**If a person is:**

An employee, agent, consultant, officer, elected official or appointed official of a PJ, State recipient or sub recipient,

**AND** have project-related responsibilities or access to inside information.

**That person may NOT:**

Obtain a financial benefit or interest from any HOME activity for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.

\_\_\_\_\_  
Organization Name

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**DEVELOPERS CERTIFICATION REGARDING  
DEBARMENT, SUSPENSION,  
AND OTHER RESPONSIBILITY MATTERS**

1. The undersigned certifies to the Mobile County Commission that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment or suspension, declared ineligible, or voluntarily excluded from any transactions or construction projects involving the use of Federal funds;
  - (b) Have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
  - (d) Have not within a three-year period preceding this certification had one or more public projects (Federal, State or local) terminated for cause of default.
2. Where the undersigned is unable to certify to any of the statements in this certification, the undersigned shall attach an explanation to this certification.

\_\_\_\_\_  
Organization Name

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**CERTIFICATION REGARDING  
DISPLACEMENT,  
RELOCATION AND ACQUISITION**

The undersigned, hereby, certifies to the Mobile County Commission that if its application is selected for funding, it and its principals will:

1. Take all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms).
2. Provide relocation assistance at the levels described in, and in accordance with the requirements of 24 CFR part 92 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and 49 CFR Part 24.
3. Advise all displaced persons of their rights under the Fair Housing Act (42 U.S.C. 3601-19).

\_\_\_\_\_  
Organization Name

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**CERTIFICATION REGARDING  
PROHIBITION OF THE USE OF HOME FUNDS  
FOR LOBBYING AND BRIBES**

I, \_\_\_\_\_, the \_\_\_\_\_

of \_\_\_\_\_ ("Owner") authorized to act on behalf of  
Owner certify to the Mobile County Commission that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the Owner, to any person for influencing or attempting to influence an office or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement;
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Owner will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- (3) The Owner shall require that this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**CERTIFICATIONS REGARDING  
AFFIRMATIVE MARKETING PROCEDURES**

The undersigned applicant certifies to Mobile County Commission that it will continue to further Equal Opportunity and Fair Housing by:

1. Establishing affirmative marketing procedures to be utilized so that no person shall, on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity funded in whole or part with funds made available under Mobile County's HOME Program.
2. Complying with the requirements of the Fair Housing Act and the Age Discrimination Act of 1975.
3. Displaying the Fair Housing logo on its advertisements for those units and at the leasing or sales office. At a minimum, a Fair Housing poster will be displayed at the leasing or sales office.
4. Submitting in writing to the County its plans to solicit applications from persons in the community who are unlikely to apply without special outreach.
5. Maintaining a list of the characteristics of the tenants renting HOME assisted units and will assess and report annually the results of these efforts to the County.

**Signature of Authorized Certifying Official:**

**Title:**

\_\_\_\_\_

**Applicant Organization:**

**Date:**

\_\_\_\_\_